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REC'D 14 APR 2004

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)


Applicant's or agent's file reference 663319	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/JP 03/00242	International filing date (day/month/year) 15.01.2003	Priority date (day/month/year) 15.01.2002
International Patent Classification (IPC) or both national classification and IPC H04L12/28		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 29.07.2003	Date of completion of this report 13.04.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Ramenzoni, S Telephone No. +49 89 2399-7146



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International application No. PCT/JP 03/00242

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-67 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/19-19/19 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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Reference is made to the following documents:

D1: EP-A-1 039 725

D2: US-A-6052736

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

A. Remarks made in respect of the present application:

1. **Claims 1 and 7** do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The formulation of said claims does not enable the skilled person to determine which technical features are necessary to determine, "based on the acquired master router data", whether a routing function can be enabled or not.
2. **Claims 13 and 14** do not meet the requirements of Article 6 PCT in respect of clarity and should have been reformulated in the following terms: "A computer program to enable a computer to perform all of the features of *any of the methods* of claims 1 to 6" and "A data recording medium storing the computer program as defined in claim 13".

B. Citations and explanations made in respect of paragraph V:

1. Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of **claim 1** **does not** involve an inventive step, Article 33 (3) PCT.

Document **D1** (see in particular abstract; column 3, line 49 to column 4, line 9; paragraphs [0057] and [0058]; Figure 1) discloses, according to the **main** features of **claim 1**, a startup method of a first routing device connecting plural networks on which a plurality of second routing devices including a parent router are connected (see in particular abstract; see Figure 1), wherein

the parent router manages network identification data to identify the

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plural networks and is connected to one of the plural networks (see in particular paragraph [0057], column 22, lines 44 to 51),

router data is included for each corresponding second routing device, respectively, each router data including a network identification data identifying a network to which the corresponding second routing device connects (see in particular paragraph [0057]), and

the method comprises, on startup,

acquiring the router data from the second routing devices on the networks to which the first routing device connects (see in particular column 3, line 49 to column 4, line 9; paragraph [0057]), and

determining whether a router function of the first routing device is enabled based on the **acquired router data** (see in particular paragraph [0058]).

The subject-matter of claim 1 **differs from** that disclosed in document **D1** merely in that said router data includes also information allowing to define said **second routing devices as master or slave**.

The **problem** to be solved by the present invention may therefore be regarded as how to provide a startup method, which optimizes the use of network resources and improves the network performances.

In consulting the prior art in the general field of routing techniques, the skilled person, wishing to find a solution to overcome the above mentioned problem, would come across document **D2**, which describes a **master router** having router data of all devices accessible through the different networks (see in particular abstract; column 3, lines 3 to 34; column 4, lines 55 to 67).

For the skilled person, therefore, starting from the method described in document **D1** and being aware both of the above problem and of the **principle** of the solution described in document **D2** (ie. routing through master router devices), it would be obvious to apply said principle and adapt the method of document **D1**, in order to arrive at a method wherein the above problem has been overcome.

The skilled person would thus arrive, **without** the exercise of inventive skill, at the startup method of a first routing device connecting plural networks corresponding to the subject-matter of claim 1.

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- 1.1 The same considerations as made in above paragraph 1 regarding claim 1 are also valid for **independent claim 7**, which has the same combination of features as claim 1 in terms of an apparatus claim, i.e. the apparatus (routing device) for carrying out the method of claim 1.
- 1.2 These arguments are also valid for **independent claims 13 and 14**, which relate respectively to a computer program to enable a computer to perform all of the features of any of the methods of claims 1 to 6 and to a data recording medium for storing such a computer program.

The subject-matter of claims 1, 7, 13 and 14 therefore does **not** involve an inventive step, Article 33(3) PCT.

2. **Dependent claims 2 to 6 and 8 to 12** do not contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims is **either in principle** directly derivable from the disclosure of document **D1** (see in particular column 1, line 35 to column 4, line 46; paragraphs [0057] and [0058]), or document **D2** (see in particular column 3, lines 3 to 34; column 4, lines 55 to 67), or represents simple design details which are generally known to the person skilled in the field of communication networks and related routing techniques.

Dependent claims 2 to 6 and 8 to 12 therefore **do not** meet the requirements of Article 33 (3) PCT.

C. Further remarks made in respect of the present application:

1. To meet the requirements of Rule 5.1 (a) (ii) PCT, the documents **D1** and **D2**, which represent a relevant state of the art with regard to the present invention, should have been identified in the opening part of the description and the relevant background art disclosed therein should have been briefly discussed.
2. To meet the requirements of Rule 6.3 (b) PCT, any independent claim should have been **correctly** cast in the **two-part form**, with those features which in

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combination are part of the nearest prior art being placed in the preamble (refer also to paragraph 1).

3. **Reference signs** in parentheses should have been inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT. This applies to both the preamble and characterising portion (see PG-III 4.11).
4. The opening part of the description should have been **brought into conformity** with the wording of any new or amended independent claim(s), Rule 5.1 (a) (iii) PCT.
5. The references to the Japanese Patent Applications (page 67, lines 21 to 24) should have been corrected to indicate their publication numbers, PG-II 4.7. In addition, the wording "incorporated herein by reference" should have been deleted.